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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,366	11/01/1999	DAVID BAGGETT	09765/018001	8583

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225 FRANKLIN ST  
BOSTON, MA 02110

EXAMINER

HOMERE, JEAN RAYMOND

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 05/06/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/431,366

Applicant(s)

BAGGETT ET AL.

Examiner

Jean R. Homere

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The Request for Continued Examination (RCE) of the above-captioned application filed on 4/15/2003 under 37 CFR 1.114 is acceptable and an RCE has been established. An action on the RCE follows.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Drawings***

3. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. ("Walker"), US. Patent No. 5,897,620 in view of Bierma et al. ("Bierma"), U.S. Patent No. 5,758,149, supplied by applicants in IDS, paper no.4.

As to claim 1, Walker substantially discloses the invention including a data processing system for determining the availability of seats in a particular airline flight (col. 6, lines 1-4 et seq). In particular, Walker's system provides a travel agent that determines whether entries for seat availability in the database are *current* such that the agent can transmit a query to an airline with available seats to thereby reserve a seat on behalf of the agent's customer (col. 6, lines 4-15; col. 9, lines 2-5 et seq). Walker does not particularly disclose a travel planning system that makes a query request to a cache for obtaining the entries for seat availability information of airlines companies. However, Bierma discloses an analogous system that teaches the a transaction processor that queries a cache to obtain the most recently updated data concerning airline seat availability (col.1, lines 41-46; col.3, lines 27-32; col.7, lines 48-52 et seq). It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of the cited references. Bierma's teaching of a transaction system for querying a cache for flight availability information would allow travel agents of Walker's system to readily and expeditiously access on-line and up-to-date information regarding seat availability for a particular airline from the cache without overloading and overburdening the database system as suggested by Bierma at column 3, lines 40-49.

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As to claim 2, Walker discloses the step of querying the travel planning system to monitor the seating availability in flights for certain day, date (col. 5, lines 54-63 et seq).

As to claims 3-4, Bierma teaches a list of keys or identifiers of entries to be updated in the database or the cache (col.7, lines 49-53, fig 18, 19 et seq).

As to claim 5, the recited limitations have been addressed in the discussion of claim 1. Also, Walker discloses the step of updating the RMS database to reflect therein the current state of seat availability and customers demand for seating in a particular flight (col. 14, lines 47-62 et seq). Additionally, Bierma complements Walker by teaching the comparison of cache entries with the queries provided by the transaction processor to retrieve flight availability data (col.3, lines 27-32 et seq). This combination would have been obvious to one of ordinary skill in the art of data processing as it would reduce the impact on transaction processing performance on Walker's database as suggested by Bierma at column 3, lines 40-49.

As to claims 6-12, Bierma teaches the management and updating of cache and database entries (figures 26A- 26C et seq.)

As to claims 13-16, Walker teaches a forecasting model for predicting seat availability (fig. 2, item 230 et seq).

6. The limitations of claims 17-32 have already been addressed in the rejection of claims 1-16 above. They are therefore rejected on similar grounds.

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***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

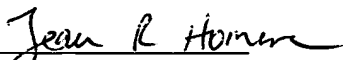
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean R. Homere whose telephone number is (703)-308-6647.

The examiner can normally be reached on Monday-Friday from 09:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on Monday-Friday from 8:00 a.m. to 3:30 p.m. at (703)-305-9790.

**Any response to this action should be mailed to:** Commissioner of Patents and Trademarks  
Washington, D.C. 20231, **or faxed to:** (703) 746-7239, (for formal communications intended for entry), **or faxed to:** (703) 746-7238, (for after final communications intended for entry), **Or:** (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT"). Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
Jean R. Homere  
Primary Examiner, A.U. 2177  
April 30, 2003